



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 1518-99

9 November 1999

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 18 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
18 Oct 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: PERS-OOZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 05 Feb 99
(b) NAVADMIN 148/98
(c) NAVADMIN 253/98
(d) ENLTRANSMAN 4.0511

Encl: (1) Pers-401 ltr of response dtd 30 Sep 99
(2) BCNR File

1. In response to reference (a) and after review of enclosure (1), recommend disapproval of petitioner's request.

- Petitioner received orders to Pearl Harbor, HI on 21 Sep 98 to report on board no later than 30 Nov 1998.

- Petitioner reenlisted on 22 Oct 1998 for four years to have sufficient obliserve for orders and received a zone "C" SRB entitlement for NEC 5342 with an award level of 1.0 reflected in reference (b). Petitioner's EAOS at the time was 18 Jan 1999.

- Reference (c) released on 20 Nov 1998 with an effective date of 1 Dec 1998 carried a zone "C" SRB entitlement for NEC 5342 with an award level of 2.0.

- Petitioner requests to cancel the reenlistment of 22 Oct 1998 to reflect 18 Jan 1999 and receive the zone "C" SRB entitlement in reference (c).

- Petitioner's orders released on 21 Sep 1998 by PERS 401DC stated that obligated service may be satisfied by reenlistment, extension of enlistment, or (CONUS SEA/SHORE DUTY ONLY) administrative remarks (NAVPERS 1070/613) entry. Per reference (d), obligated service must be obtained prior to transfer by appropriate documentation (i.e., NAVPERS 1070/601 or 621). Per enclosure (1), page 13 statements of intent are not acceptable.

- Per enclosure (1), petitioner was not eligible to sign a page 13 agreeing to reenlist at a later date to avoid monetary loss of SRB entitlement.

2. In view of the above, recommend petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.

A handwritten signature in dark ink, appearing to read 'S. R. Christy', with a long horizontal stroke extending to the right.

S. R. CHRISTY
Head,
Reenlistment Incentives Branch.